FRASER
INSTITUTE

The Funding and Regulation of Independent Schools in Canada

by Deani Van Pelt, Sazid Hasan, and Derek J. Allison

This study compares the regulation of independent schools across Canada, with specific attention to differences between provinces that fund independent schools and those that do not. In 2013/14, Canada had slightly fewer than 2,000 independent schools enrolling more than 360,000 students. Every province regulates its independent schools, each in its own way, and some to a greater extent than others. Five provinces offer partial funding for independent schools, although not all independent schools in those five provinces qualify for or accept the funding available, so that there are non-funded independent schools in all ten provinces.

The report gives an overview of the pertinent legislation and other regulations and lists the categories of independent schools operating in each province. While 22 categories of different independent school regulatory environments are identified and addressed, the analysis pivots on funding status.

In each scenario, funded or non-funded, analysis is structured around three aspects of independent school operation: (1) establishing an independent school, with specific attention to non-profit status and the initial permissions required to begin operation; (2) organizing and operating an independent school, with particular attention to curriculum, teachers, and student assessment; and (3) accountability for the school and its students with regard to reporting, inspection, and student records.

In addition, to provide context for the scope of funded and non-funded independent schooling in Canada, the final appendix offers a snapshot of the funding arrangements, the number of independent schools and the enrolments, by province and by category, of independent schools operating in each province.

Four key findings

1) Non-funded independent schools have fewer regulations than funded independent schools. In the five provinces that offer public funding, non-funded independent schools are subject to fewer requirements than funded independent schools in that province. All funded schools in those provinces are required to follow the provincial curriculum and hire provincially certified teachers. In contrast, almost all categories of nonfunded independent schools, although free to do so, are not required to use provincial curriculum or employ provincially certified teachers. Exceptions in the non-funded independent school categories are noted in four instances: British Columbia (Group 4 schools), Quebec (private institutions not eligible for subsidies), Alberta (un-

funded accredited schools) and Newfoundland & Labrador (private schools). The first two are required to use provincial curriculum and employ provincially certified teachers, while the second two are required to employ provincially certified teachers but are not required to use provincial curriculum.

2) Lack of government funding does not necessarily imply minimal regulation. The regulatory environment for independent schools varies by province more than by funding status. Although independent schools receiving government funding must comply with more extensive and stringent provincial regulations, non-funded independent schools are not necessarily regulated at low levels. Comparisons of the least regulated categories of non-funded independent schools across provinces reveals wide variation in minimum requirements. Requirements vary from supplying an annual notice of intention to operate with minimal statistical details in Ontario, subject to verification, to provision of full and detailed education plans for non-funded schools in many provinces, including Alberta, Saskatchewan, Manitoba and Quebec. Moreover, Ontario independent schools are not inspected unless they are secondary schools that request and pay for inspection in order to grant secondary school credits, whereas non-funded independent schools in Saskatchewan are inspected annually. Furthermore, in Quebec, nonfunded independent schools must use the provincial curriculum, employ provincially-certified teachers, and participate in provincial assessments. This variation in the regulation of non-funded independent schools across all ten provinces is noteworthy, especially insofar as it makes establishing, operating, and accessing an independent education more difficult in some provinces.

3) Eligibility for funding usually means meeting two common input requirements: employing provincially approved teachers and using the provincial curriculum. Only Alberta requires meeting a detailed set of student outcome expectations, in addition to those two requirements. By forcing conformity to government school standards, the requirements that must be satisfied to qualify for funding may impede the emergence of a wider diversity of innovative approaches to education, constraining advantages to students parents and society.

4) Funding is directed to schools not to parents. Five provinces offer partial funding to qualifying independent schools. In those provinces the funding, allocated on a per-student basis, is directed to the schools and not to the parents. In other words, the funding is not a voucher given to parents to pay for their children's education, but a voucher given directly to the school that enrolls the students. Funding does not directly vary by household income or by student need (with the exception of a handful of designated special education independent schools).

The regulatory environment for independent schools varies by province more than by funding status.

As school choice continues to attract increasing attention in Canada and across the world, this analysis provides a valuable at-a-glance overview of the regulation and funding of independent schooling in Canada. By linking the analysis to key benchmarks in the operation, funding, and accountability of independent schools in each province, variations in the regulatory regime in each province are clearly identified.

The Funding and Regulation of Independent Schools in Canada

by Deani Van Pelt, Sazid Hasan, and Derek J. Allison

Click here to read the full report →